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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Reallocation of Television Channels)
60-69, the 746-806 MHz Band)

ET Docket No. 97-157

To: The Commission

COMMENTS

KCTS Television ("KCTS"), by its counsel, provides these comments on the *Notice of Proposed Rule Making* in the referenced matter, FCC 97-245 (released July 10, 1997) (the "*Notice*"). In the *Notice*, the Commission proposes to reallocate Channels 60-69 for a variety of uses. As noted below, however, KCTS is concerned that the proposed rule changes could result in the eventual limitation of public television service to Seattle, Washington, where KCTS has pending an application for a full-power television station on reserved Channel *62. The allotted (vacant-but-applied-for) noncommercial educational TV channel in Seattle must be protected and another suitable channel substituted for it.

Background

KCTS is a nonprofit 501(c)(3) corporation that serves as the community licensee of KCTS(TV), Seattle, Washington and KYVE(TV), Yakima, Washington. KCTS's mission includes K-12 curriculum-oriented activities and "cradle to grave" learning services centered

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around continuing, informal skills-building educational activities. Please see Attachment 1 for a description of KCTS's educational activities.

Facing what was probably its last opportunity to activate a second public television station in Seattle, KCTS on December 7, 1995, filed an application for a construction permit for a full service station on Channel *62. The application was accompanied by a request for waiver of the TV freeze. The application has not yet been accepted for filing. FCC File No. BPET-951207KJ.

Affect of the Commission's Proposals

The *Notice* includes proposals that would negatively affect KCTS and the public in Seattle, Washington. The FCC proposal to reallocate Channels 60-69 for other services would erase a noncommercial educational TV channel previously allotted to the Seattle area for noncommercial educational use. The Commission proposes to dismiss pending full service applications on these channels for which a freeze waiver has been requested. The result of this decision would be the loss of a TV channel specifically reserved for noncommercial educational use in Seattle, Washington.

Options for Preservation of Public TV Service

There are options for the Commission in this proceeding that could protect public TV service. These options are well presented in Comments being filed in this proceeding by the Association of America's Public Television Stations and the Public Broadcasting Service, which KCTS fully supports. Moreover, these options are consistent with the Commission's past statements in the DTV proceeding (MM Docket No. 87-268) *Second Further Notice*, *Sixth Further Notice* and *Sixth Report and Order* concerning preservation of vacant noncommercial

reserved allotments. For example, in the *Sixth Report and Order*, the Commission stated its intent to "maintain and protect those vacant NTSC allotments that are the subject of pending applications" in order to "ensure that parties who have already begun to invest in new stations, including those planning noncommercial stations, may continue to pursue their ongoing station development projects." *Sixth Report and Order* at paragraph 112.

With respect to KCTS's pending full service application for Channel *62 at Seattle, Washington, the Commission should allot an alternative reserved channel for construction and operation, at KCTS's choice, either as an NTSC facility or as a DTV facility. If the station is activated initially as an NTSC facility, the Commission should permit it to be converted to digital operation at any time during the transition. In this manner, KCTS could choose the timing of the conversion to maximize service to the community, and it would be assured of the ability to operate its station permanently in the digital environment.

Retention of a Reserved Noncommercial Educational TV Channel in Seattle, Washington is Consistent with the Public Interest

Deletion of the Seattle's reserved TV channel without a replacement allotment would contradict long-standing Commission policy favoring development of telecommunications services. For example, Commission policy had mandated the preservation of educational channels for their intended use. See, e.g., Television Channel Assignments, 60 RR2d 784 (1986). Absent an alternative channel, the Commission has been particularly reluctant to delete or reallocate a reserved channel. Id. Even absent the present or planned use of a reserved channel, the Commission has maintained its reluctance towards channel deletion. Ogden, Utah, 42 Fed. Reg. 40302 (1977). In assigning television channels on a reserved basis, the

Commission intended for the channels to serve not only the present needs for noncommercial educational service, but the future demands for the service as well. See Mansfield and Marion, Ohio, 48 RR 2d 1003 (1980).

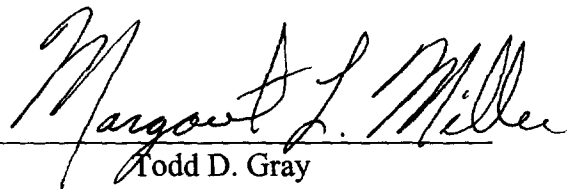
Channel *62 was originally allocated to Tacoma, Washington as a nonreserved (commercial) TV channel. In 1965, the Commission reserved Channel 62 for noncommercial educational use. In the Matter of Fostering Expanded Use of UHF Television Channels, 5 R.R.2d 1507, 1599 (1965). In 1982, the Commission reassigned Channel *62 from Tacoma to Seattle and Channel *28 from Seattle to Tacoma and permitted the licensee of KTPS(TV) to modify its operation to Channel 28. Thus, Channel *62 has been vacant for 15 years and, for thirty-plus years since 1965, Seattle has had an unoccupied reserved UHF channel. This does not mean, however, that the Seattle community is not still deserving of another reserved TV channel. Commission policy clearly favors the activation of long-vacant channels. See e.g., Montrose and Scranton, Pennsylvania, 68 RR 2d 702 (1990). Activation of a reserved noncommercial educational TV station at Seattle would provide over 2,491,442 persons with additional public TV service. KCTS is ready, willing and able to activate a long-vacant reserved channel for the purposes for which it was intended. Thus, replacing the Channel *62 NTSC allotment with another reserved channel allotment would not only serve the public interest but would also be consistent with well-established Commission precedent.

Conclusion

As pointed out by APTS and PBS, maintaining public access to noncommercial educational television programming is a bedrock Congressional and Commission policy. The greatest effort should be made to find alternative channels to satisfy pending NTSC applications for Channels 60-69.

Respectfully Submitted,

KCTS TELEVISION

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ATTACHMENT 1

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KCTS/9's Learning Services Cooperative

Forty-one years ago a group of pioneering community leaders came together in partnership to create an educational television station that addressed the community's instructional and information needs. The KCTS/9 Learning Services Cooperative has offered quality instructional television (ITV) programming and educational services to the community for four decades. Today this cooperative serves the needs of thousands of students and educators in classrooms throughout our region.

Teachers throughout the state use instructional television to:

- motivate children to read books
- use the library
- develop literacy skills
- make subject matter more relevant to the working world
- take students on education excursions they might otherwise never experience, and make mathematics and science come alive for students by showing them how these subjects are used by men and women in various careers

ITV programs are produced specifically for the classroom, and are short in format so that teachers can easily integrate them into a class period. The accompanying teacher manuals support teachers by providing them with additional information that help teachers transform the television programming into an effective classroom tool. ITV programming helps students develop critical viewing and thinking skills, promotes an integrated curriculum, and enhances student motivation. Teachers use KCTS/9 programming to teach reading, writing, and communication skills, physical, life, and earth sciences, math, social studies/history, Spanish, Japanese, and French languages and more.

KCTS was one of the first public television stations to use new technologies and private partnerships to develop a computer-based on-line education network. KCTS/9's Online Service has helped many teachers in Washington state access valuable information and classroom resources via telecommunications.

Since 1955, KCTS/9 has grown to become one of the most watched and publicly supported public television stations in the country. KCTS is an active member of the Public Broadcasting System which serves 2 million teachers and 30 million students in three-quarters of the nation's schools. KCTS/9's commitment to education is stronger than ever. We continue to partner with teachers, parents, and students across Washington state supporting the goals of lifelong learning by providing quality programs and education services that inform, inspire and delight.

KCTS/9 LEARNING SERVICES COOPERATIVE

Member Benefits

INSTRUCTIONAL TELEVISION AND NATIONAL PBS PROGRAMMING

- Over 1,000 hours of high quality programming for Grades K-12. Instructional programs are broadcast weekdays, 10a.m. -2 p.m., mid-September through mid-May. Nighttime block feeds air throughout the Fall and early Spring, Tuesday-Friday, 3 -5 a.m.. (Many more hours of PBS programs are available for school use outside of the daytime ITV schedule.)
- Programming in virtually all subject areas and at all grade levels
- Influence in the ITV programs aired on KCTS/9. Each year, educators in member districts are involved in the evaluation, selection and scheduling of instructional programs.
- Year-To-Year renewal of a District's Membership includes the rights to record, duplicate and distribute the majority of instructional programming.

SUPPORT MATERIALS

- **Teacher Guides** accompany most instructional television programs. These guides contain lesson plans, activity sheets, program summaries, and other related resources. Cost varies.
- **Multimedia Products**, including CD-ROM and laser disc, that can be ordered directly from KCTS. As a service to the schools, KCTS/9 provides information and reviews for some of the best of the many new multimedia products on the market.
- **LEARNING QUEST** published three times a year and distributed to teachers in the Cooperative, provides scheduling information, articles related to technology and the effective integration of video and online resources into the classroom, information on educational materials, and curriculum matches for ITV programming.
- **THIS JUST IN** published monthly, provides teachers with up-to-date information on KCTS/9 nighttime programming of interest to schools, support materials, and new resources and projects available through LEARNING LINK, KCTS/9's homepage on the World Wide Web, and the Internet.

KCTS/9'S ONLINE SERVICE

LEARNING LINK provides teachers with access to:

- Internet e-mail and news groups
- A Resource Bank of Lesson Plans and Classroom Projects
- Discussion Groups oriented toward ongoing professional development and curriculum needs
- Online Teacher Guides
- Content Forums for curriculum resources in most subject areas
- Daily lesson plans and updates for programs like ***CNN NEWSROOM*** and access to online resources around special events like ***LIVE FROM THE STRATOSPHERE*** and ***TURNER ADVENTURE LEARNING'S 1995-96 ELECTRONIC FIELDTRIPS***.